

HOUSE BILL NO. 664

INTRODUCED BY RAMIREZ, SPAETH

IN THE HOUSE

FEBRUARY 9, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

FEBRUARY 16, 1987 COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

FEBRUARY 17, 1987 PRINTING REPORT.

FEBRUARY 18, 1987 SECOND READING, DO PASS.

FEBRUARY 19, 1987 ENGROSSING REPORT.

 THIRD READING, PASSED.
 AYES, 92; NOES, 3.

 TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 21, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON JUDICIARY.

MARCH 12, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 17, 1987 SECOND READING, CONCURRED IN.

MARCH 19, 1987 THIRD READING, CONCURRED IN.
 AYES, 48; NOES, 1.

 RETURNED TO HOUSE.

IN THE HOUSE

MARCH 19, 1987 RECEIVED FROM SENATE.

 SENT TO ENROLLING.

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2 INTRODUCED BY Ramirez Spack
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE
5 LAWS GOVERNING JOINT OBLIGATIONS AND DEBTS TO REFLECT
6 REVISION OF JOINT AND SEVERAL LIABILITY; AMENDING SECTIONS
7 25-15-202, 28-1-301 THROUGH 28-1-303, AND 28-1-311, MCA; AND
8 COORDINATING THIS ACT WITH THE REVISION OF JOINT AND SEVERAL
9 LIABILITY."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 25-15-202, MCA, is amended to read:
13 "25-15-202. Effect of discharge -- right of
14 contribution. The Except as provided in 27-1-703, the
15 discharge of such a joint debtor operates as a payment to
16 the creditor equal to the proportionate interest of the
17 debtor discharged, but the discharge of such debtor does not
18 prevent his codebtors from enforcing the right of
19 contribution in case they are compelled to pay the whole of
20 the debt."

21 Section 2. Section 28-1-301, MCA, is amended to read:
22 "28-1-301. Types of obligations involving several
23 persons. An Except as provided in 27-1-703, an obligation
24 imposed upon several persons or a right created in favor of
25 several persons may be:

- 1 (1) joint;
- 2 (2) several; or
- 3 (3) joint and several."

4 Section 3. Section 28-1-302, MCA, is amended to read:
5 "28-1-302. Joint obligations and covenants to be taken
6 as joint and several. After Except as provided in 27-1-703,
7 after March 1, 1895, all joint obligations and covenants
8 shall be taken and held to be joint and several obligations
9 and covenants."

10 Section 4. Section 28-1-303, MCA, is amended to read:
11 "28-1-303. Right to contribution from joint debtors.
12 A Except as provided in 27-1-703, a party to a joint or
13 joint and several obligation who satisfies more than his
14 share of the claim against all may require a proportionate
15 contribution from all the parties joined with him."

16 Section 5. Section 28-11-311, MCA, is amended to read:
17 "28-11-311. Person indemnifying liable jointly and
18 severally. One Except as provided in 27-1-703, one who
19 indemnifies another against an act to be done by the latter
20 is liable jointly with the person indemnified and separately
21 to every person injured by such act."

22 NEW SECTION. Section 6. Coordination instruction.
23 This act is effective only if this act and Senate Bill No.
24 51 or any other bill modifying joint and several liability
25 by amending 27-1-703 are both passed and approved. If this



LC 1616/01

1 act is passed and approved but Senate Bill No. 51 or any
2 other bill modifying joint and several liability by amending
3 27-1-703, is not passed and approved, this act is void.

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

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HB 0664/02

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